CLAIM AMENDMENTS

Claim Amendment Summary

Claims pending

- At time of the Action: Claims 1-48.
- After this Response: Claims 1-6, 8-24, 26-41, and 43-48.

Canceled or Withdrawn claims: 7, 25, and 42.

Amended claims: 1, 2, 24, 30, 33, 36, 40, and 43.

New claims: none.

Claims:

1. **(CURRENTLY AMENDED)** A method for facilitating speedy communication of packets between entities on a network, the method comprising:

sending a delay-disable command;

sending a set of packets from a sending entity to a receiving entity,

wherein both sendings are performed at an application layer of a computer in accordance with an OSI model.

2. **(CURRENTLY AMENDED)** A method as recited in claim 1, wherein the set of packets ~~includes~~ consists of two packets sent back-to-back.

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3. **(ORIGINAL)** A method as recited in claim 1, wherein the set of packets consists of a first bandwidth-measurement packet and a second bandwidth-measurement packet, wherein the second packet is sent immediately after the first packet.

4. **(ORIGINAL)** A method as recited in claim 1, wherein the network is TCP.

5. **(ORIGINAL)** A method as recited in claim 1, wherein the delay-disable command disables the Nagle Algorithm on one or more communication devices on the network.

6. **(ORIGINAL)** A method as recited in claim 1, wherein the delay-disable command is TCP_NODELAY.

7. **(CANCELED)**

8. **(ORIGINAL)** A computer-readable medium having computer-executable instructions that, when executed by a computer, performs the method as recited in claim 1.

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9. **(ORIGINAL)** A method for facilitating speedy communication of packets between entities on a network, the method comprising:

sending a set of packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the set is intolerable;

immediately thereafter, sending at least one "push" packet to avert a transmission delay between packets in the set, wherein the delay is caused by packet buffering of a communication device on the network.

10. **(ORIGINAL)** A method as recited in claim 9, wherein the set of packets includes two packets sent back-to-back.

11. **(ORIGINAL)** A method as recited in claim 9, wherein the set of packets are bandwidth-measurement packets for measuring bandwidth between the sending entity and the receiving entity.

12. **(ORIGINAL)** A method as recited in claim 9, wherein the communication device is a proxy server.

13. **(ORIGINAL)** A method as recited in claim 9, wherein the network is TCP.

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14. **(ORIGINAL)** A program module having computer-executable instructions that, when executed by a computer, performs the method as recited in claim 9 at an application layer in accordance with an OSI model.

15. **(ORIGINAL)** A computer-readable medium having computer-executable instructions that, when executed by a computer, performs the method as recited in claim 9.

16. **(ORIGINAL)** A method for facilitating speedy communication of packets between entities on a network, the method comprising:

sending a set of packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the set is intolerable;

immediately before, sending at least one "priming" packet to avoid a transmission delay between packets in the set, wherein the delay is caused by flow-control functions of a communication device on the network.

17. **(ORIGINAL)** A method as recited in claim 16, wherein the set of packets includes two packets sent back-to-back.

18. **(ORIGINAL)** A method as recited in claim 16, wherein the set of packets are bandwidth-measurement packets for measuring bandwidth between the sending entity and the receiving entity.

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19. **(ORIGINAL)** A method as recited in claim 16, wherein the network is TCP.

20. **(ORIGINAL)** A method as recited in claim 16 further comprising establishing a TCP connection between the sending entity to the receiving entity, wherein the establishing is just before the sending of the set of packets.

21. **(ORIGINAL)** A method as recited in claim 16, wherein the flow-control function is the Slow Start Algorithm.

22. **(ORIGINAL)** A program module having computer-executable instructions that, when executed by a computer, performs the method as recited in claim 16 at an application layer in accordance with an OSI model.

23. **(ORIGINAL)** A computer-readable medium having computer-executable instructions that, when executed by a computer, performs the method as recited in claim 16.

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24. **(CURRENTLY AMENDED)** A method for facilitating bandwidth measurement between two entities on a network, the method comprising:

sending a delay-disable command;

sending a pair of bandwidth-measurement packets from a sending entity to a receiving entity;

receiving a bandwidth calculation based upon measurements related to just the pair of bandwidth-measurement packets and not based upon measurements using any other packets.

25. **(CANCELED)**

26. **(ORIGINAL)** A method for facilitating bandwidth measurement between two entities on a network, the method comprising:

sending a pair of bandwidth-measurement packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the pair is intolerable;

immediately thereafter, sending at least one "push" packet to avert a transmission delay between packets in the pair, wherein the delay is caused by packet buffering of a communication device on the network.

27. **(ORIGINAL)** A method as recited in claim 26 further comprising receiving a bandwidth calculation based upon measurements related to the pair of packets.

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28. **(ORIGINAL)** A method for facilitating bandwidth measurement between two entities on a network, the method comprising:

sending a pair of bandwidth-measurement packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the pair is intolerable;

immediately before, sending at least one "priming" packet to avoid a transmission delay between packets in the pair, wherein the delay is caused by flow-control functions of a communication device on the network.

29. **(ORIGINAL)** A method as recited in claim 28 further comprising receiving a bandwidth calculation based upon measurements related to the pair of packets.

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30. **(CURRENTLY AMENDED)** A computer-readable medium having computer-executable instructions that, when executed by a computer, perform a method to facilitate speedy communication of packets between entities on a network, the method comprising:

sending a delay-disable command;

sending a set of packets from a sending entity to a receiving entity, wherein the set of packets consists of two packets sent back-to-back and wherein both sendings are performed at an application layer of the computer in accordance with an OSI model.

31. **(ORIGINAL)** A computer-readable medium having computer-executable instructions that, when executed by a computer, perform a method to facilitate speedy communication of packets between entities on a network, the method comprising:

sending a set of packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the set is intolerable;

immediately thereafter, sending at least one "push" packet to avert a transmission delay between packets in the set, wherein the delay is caused by packet buffering of a communication device on the network.

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32. **(ORIGINAL)** A computer-readable medium having computer-executable instructions that, when executed by a computer, perform a method to facilitate speedy communication of packets between entities on a network, the method comprising:

sending a set of packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the set is intolerable;

immediately before, sending at least one "priming" packet to avoid a transmission delay between packets in the set, wherein the delay is caused by flow-control functions of a communication device on the network.

33. **(CURRENTLY AMENDED)** An apparatus comprising:

a processor;

a transmission-delay avoider operating at an application layer in accordance with an OSI model and executable on the processor to:

send a delay-disable command;

send a set of packets from a sending entity to a receiving entity, the set of packets consists of two packets sent back-to-back.

34. **(ORIGINAL)** An apparatus comprising:

a processor;

a transmission-delay avoider executable on the processor to:

send a set of packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the set is intolerable;

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immediately thereafter, send at least one "push" packet to avert a transmission delay between packets in the set, wherein the delay is caused by packet buffering of a communication device on the network.

35. (ORIGINAL) An apparatus comprising:

a processor;

a transmission-delay avoider executable on the processor to:

send a set of packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the set is intolerable;

immediately before, send at least one "priming" packet to avoid a transmission delay between packets in the set, wherein the delay is caused by flow-control functions of a communication device on the network.

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36. **(CURRENTLY AMENDED)** A modulated data signal having data fields encoded thereon transmitted over a communications channel, ~~comprising~~ consisting of:

a first field including a delay-disable command;

a second field including a first bandwidth-measurement packet;

a third field including a second bandwidth-measurement packet.

37. **(ORIGINAL)** A modulated data signal having data fields encoded thereon transmitted over a communications channel, comprising:

a first field including a first bandwidth-measurement packet;

a second field including a second bandwidth-measurement packet;

a third field including a "push" packet facilitating minimization of transmission delay between the first and second packets, wherein the delay is caused by packet buffering of a communication device on the network.

38. **(ORIGINAL)** A modulated data signal having data fields encoded thereon transmitted over a communications channel, comprising:

a first field including a "priming" packet;

a second field including a first bandwidth-measurement packet;

a third field including a second bandwidth-measurement packet;

wherein the "priming" packet facilitates minimization of transmission delay between packets, wherein the delay is caused by flow-control functions of a communication device on the network.

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39. **(ORIGINAL)** A method as recited in claim 1, wherein the delay-disable commend is sent by the receiving entity to the sending entity.

40. **(CURRENTLY AMENDED)** A method as recited in claim 24, wherein the delay-disable ~~commend~~ command is sent by the receiving entity to the sending entity.

41. **(CURRENTLY AMENDED)** A method for facilitating speedy communication of packets between entities on a communications network, the method comprising:

sending a delay-disable command to direct a disablement of a communications delay imposed by one or more communication devices on a communications network;

while the communications delay is disabled, sending a set of packets from a sending entity to a receiving entity, wherein the set of packets consists of two packets sent back-to-back.

42. **(CANCELED)**

43. **(CURRENTLY AMENDED)** A method as recited in claim 41, wherein ~~the set of packets consists of~~ the two packets include a first bandwidth-measurement packet and a second bandwidth-measurement packet, wherein the second packet is sent immediately after the first packet.

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44. **(ORIGINAL)** A method as recited in claim 41, wherein the network is TCP.

45. **(ORIGINAL)** A method as recited in claim 41, wherein the delay-disable command disables the Nagle Algorithm on one or more communication devices on the network.

46. **(ORIGINAL)** A method as recited in claim 41, wherein the delay-disable command is TCP_NODELAY.

47. **(ORIGINAL)** A program module having computer-executable instructions that, when executed by a computer, performs the method as recited in claim 41 at an application layer in accordance with an OSI model.

48. **(ORIGINAL)** A computer-readable medium having computer-executable instructions that, when executed by a computer, performs the method as recited in claim 41.

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